

REMARKS

Applicant has considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Claims 1 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being vague and indefinite based upon the language "lower in carbohydrates than a traditional pizza-type food product" and the language "pizza-type." Applicant has amended the claims to overcome the rejection based on the language "pizza-type." Additionally, applicant respectfully submits that in view of the amendment to claims 1 and 16, the comparison of the claimed food product to a traditional pizza is clear and it is not necessary for the claims to be directed to a pizza product in order for the claim language to be clear. Withdrawal of the § 112 rejection is respectfully requested.

Claims 1-26 are rejected under 35 U.S.C. § 103(a) over the recipe for "Crustless Pizza" in view of the disclosure by the Google Group on April 1, 2003 (Google Group disclosure). Applicant respectfully traverses this rejection based on the applied art.

Claims 1, 11, 16 and 22 are the independent claims. Claim 1 claims a food product comprising a base

layer being a formulated flour and a cheese mixture, wherein the formulated flour is a dry mixture. The food product is further claimed as lower in carbohydrates than a traditional pizza having a crust.

Claim 11 claims a crustless pizza comprising a base layer being a formulated flour and a cheese mixture, wherein the formulated flour is a dry mixture and at least one food layer, wherein the crustless pizza is lower in carbohydrates than a non-crustless pizza.

Claim 16 claims a method of making a food product comprising preparing a formulated flour, wherein the formulated flour is a dry mixture comprising a high gluten flour and a baking powder. The method further claims distributing a pre-measured amount of the formulated flour evenly onto a cooking pan and distributing a pre-measured amount of a cheese evenly over the formulated flour. The method further claims optionally adding and distributing evenly a pre-measured amount of at least one food layer over the cheese. The method further claims baking the food product for a suitable time and at a suitable temperature. The method further claims the food product is lower in carbohydrates than a traditional pizza having a crust.

Claim 22 claims a method of making a crustless

pizza comprising preparing a formulated flour, wherein the formulated flour is a dry mixture comprising a high gluten flour and a baking powder. The method further claims distributing a pre-measured amount of the formulated flour evenly onto a cooking pan; distributing a pre-measured amount of a cheese evenly over the formulated flour, and distributing a pre-measured amount of a pizza sauce or a tomato sauce evenly over the cheese. The method further claims adding and distributing evenly a pre-measured amount of at least one food layer over the pizza sauce or the tomato sauce, and baking the crustless pizza for a suitable time and at a suitable temperature. The method further claims the crustless pizza is lower in carbohydrates than a non-crustless pizza.

In rejecting claims 1-26 under 35 U.S.C. § 103(a), the Examiner cites the "Crustless Pizza" recipe as the primary reference, but then discusses the "Deep Dish Pizza" recipe in the rejection. From the Examiner's comments, applicant understands and addresses the rejection as being directed to the "Deep Dish Pizza" recipe in view of the Google Group disclosure. The "Deep Dish Pizza" recipe discloses sprinkling Italian cheeses over the bottom of a casserole dish and pouring an egg mixture over the cheese.

The egg mixture includes eggs, cream cheese, cream, grated Parmesan cheese and spices such as oregano and garlic powder. As acknowledged by the Examiner, the "Deep Dish Pizza" recipe does not disclose a base layer being a formulated flour and cheese mixture wherein the formulated flour is a dry mixture as claimed. In fact, the "Deep Dish Pizza" recipe teaches away from a dry mixture of formulated flour and cheeses by disclosing a liquid egg mixture being added to the cheese base layer.

The Google Group disclosure does not make up for the shortcomings of the "Deep Dish Pizza" recipe as set forth above. The Examiner states that, according to the Google Group disclosure, it "is known in the art to make low carbohydrate pizza by making low carbohydrate crust using little flour and whey protein." The Google Group disclosure provides that "[t]here are recipes for low carb crusts that use a little flour and some whey protein in a cook book I bought, but I haven't tried them, so I hesitate to recommend them right now." The Google Group disclosure does not disclose a base layer being a formulated flour and cheese mixture wherein the formulated flour is a dry mixture as claimed. Additionally, the Google Group disclosure does not disclose a food product or pizza without a crust.

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Neither the "Deep Dish Pizza" recipe nor the Google Group disclosure suggest any motivation to modify the teachings of either reference in order to provide the claimed invention. Accordingly, the "Deep Dish Pizza" recipe in combination with the Google Group disclosure does not disclose the claimed invention and does not render the claimed invention obvious under 35 U.S.C. § 103(a). Withdrawal of the § 103 rejection is respectfully requested.

Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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By



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